

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

MDL No. 2804

Hon. Dan Aaron Polster

**AMERICAN MEDICAL DISTRIBUTORS INC.’S MOTION  
TO BE EXCUSED FROM OBLIGATIONS UNDER OCTOBER 7 ORDER REGARDING  
NON-LITIGATING DEFENDANTS**

American Medical Distributors Inc. (“AMD”), by its counsel, respectfully moves the Court for an Order excusing its obligations under the Court’s October 7, 2022 Order Regarding Non-Litigating Defendants. In support of its motion, AMD states as follows:

1. On October 7, 2022, the Court entered an order requiring non-litigating Defendants to: 1) submit a status report listing every case in federal or state court that states claims against it involving the manufacturing, marketing, sale, distribution or dispensing of opioids; and 2) submit volume and shipment information to Plaintiffs’ liaison counsel Peter H. Weinberger. Dkt. 4670. The Court set the deadline for such requirements as November 1, 2022. *Id.*

2. One of the Non-Litigating Defendant Families identified in the Court’s order is AMD. *Id.*

3. AMD is a wholly-owned subsidiary of AmerisourceBergen. AMD is expressly identified as a “Released Entity” in Exhibit J of the Distributor Settlement Agreement. Thus, AMD has been released by the various states and political subdivisions participating in that global settlement and similar “opt-in” settlements, which now include every state, commonwealth, and

territory (other than Alabama and West Virginia), the District of Columbia, and the vast majority of covered political subdivisions.

4. AMDI was also released pursuant to a settlement with the Cherokee Nation, and is explicitly included as a “Released Entity” in a separate, signed agreement to settle the claims of the remaining federally recognized Native American tribes.

5. In light of these releases, AMDI has been dismissed from numerous MDL cases pursuant to the Master Stipulation and Order, the Second Master Stipulation and Order, and the Third Master Stipulation and Order related to the Distributor Settlement Agreement. *See* Dkt. 4307, Dkt. 4339, and Dkt. 4381; *see also* Exhibit C to each of the master stipulations and proposed orders related to those orders (listing the Released Entities set forth in Exhibit J of the Distributor Settlement Agreement). Pursuant to the Distributor Settlement Agreement, AMDI has also been dismissed from cases filed in state court.

6. In other words, like the “three largest Distributor Defendants (Cardinal, AmerisourceBergen, and McKesson) [that have] each reached global settlements” referenced in the October 7 order (*see* Dkt. 4670), AMDI has been released pursuant to the Distributor Settlement Agreement and has been or is being dismissed from all of the related MDL and state court cases in which it has been named as a defendant.

7. Accordingly, AMDI respectfully requests that the Court enter an Order excusing it from compliance with the Court’s October 7 Order.

Dated: October 31, 2022

Respectfully submitted,

/s/ Robert A. Nicholas

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on October 31, 2022.

/s/ Robert A. Nicholas

Robert A. Nicholas